

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,
vs. **Case No. 14-CR-2783 JB**

THOMAS R. RODELLA

Defendant.

**MOTION TO QUASH SUBPOENAS TO EASTER SEALS EL MIRADOR
EMPLOYEES TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE**

COMES NOW Easter Seals El Mirador Employees Mark Johnson, Director; Patsy Romero, Chief Operations Officer; Paula Black, Incident Manager; Loreen Chavez, House Manager; Nathaniel Salazar, Direct Care Professional Employee; by and through their undersigned attorneys of record, Brennan & Sullivan, P.A., (Sabrina Rodriguez Salvato) and motion the Court to Quash, pursuant to FED. R. CRIM P. 17(c)(2) and state as the subpoenas were improperly served on Paula Black, Loreen Chavez, and Nathaniel Salazar and untimely served on Mark Johnson and Patsy Romero:

1. The Court set a November 14, 2014 hearing on the Motion for a New Trial on November 3, 2014. (Doc. 135)
2. The U.S. Attorney's office issued a subpoena for Lisa Bronowicz and Paula Black to testify on November 4, 2014. **Ex. 1**

3. On November 6, 2014, the Court vacated the November 14, 2014 hearing and reset the hearing for November 13, 2014. (Doc. 137)
4. Today, November 12, 2014, Mark Johnson, Patsy Romero, and Lisa Bronowicz were all served subpoenas to testify and produce (a) Michael Tafoya's personnel records, (b) critical incident reports, and (c) documentation pertaining to communications between Easter Seals and the FBI and/or the U.S. Attorney's office. **Ex. 2**
5. Paula Black, Loreen Chavez, and Nathaniel Salazar were improperly served subpoenas when the process server left the subpoenas with the front desk on Friday November 7, 2014. **Ex. 3**
6. Paula Black has a serious medical condition, is on medications, and has just been released from the hospital and under medical instruction to keep her stress levels down. In recognition of her medical state, the AUSA has withdrawn the subpoena for Ms. Black and is no longer requiring her testimony. Ms. Black has provided the Court with a summary of the Michael Tafoya Investigations requested by Defense counsel in the subpoena. (Doc. 134-3)
7. Easter Seals El Mirador is a small non-profit providing critical services to New Mexicans with disabilities.
8. Loreen Chavez and Nathaniel Salazar are direct care takers for five clients with developmental disabilities, 3:00 pm is a critical time for caretaking and transporting the clients, and the facility is understaffed and cannot replace Ms. Chavez or Mr. Salazar on short notice.

9. Nathaniel Salazar is not a supervisor of Michael Tafoya. He holds the same position as a Direct Care Professional with Easter Seals El Mirador.
10. Mark Johnson, Director and Patsy Romero, Chief Operations Officer are supervisors and cannot reasonably leave Easter Seals without senior management during a critical time of the day.
11. Counsel for Easter Seals El Mirador contacted counsel for the Defendant and based on the obligation to produce evidence in support of their Motion for a New Trial, this Motion is presumed opposed.
12. Patsy Romero will be in the courtroom should the Court have any questions for her.
13. Lisa Bronowicz, Human Resources Director, will appear at the November 13, 2014 hearing at 3:00 pm to testify.

WHEREFORE it would be unreasonable and oppressive to require six employees to testify when the Human Resources director, Lisa Bronowicz is the best qualified to testify as to (a) Mr. Tafoya's personnel matters and (b) communications with the FBI/AUSA. Easter Seals respectfully asks this Court to Quash the Subpoenas for Easter Seals El Mirador Employees Mark Johnson, Director; Patsy Romero, Chief Operations Officer; Paula Black, Incident Manager; Loreen Chavez, House Manager; Nathaniel Salazar, Direct Care Professional Employee.

Respectfully submitted,
BRENNAN & SULLIVAN, P.A.

By: /s/ Sabrina Rodriguez Salvato
Sabrina Rodriguez Salvato
James P. Sullivan
Brennan & Sullivan, P.A.
128 East DeVargas
Santa Fe, New Mexico 87501
(505) 995-8514
Attorneys for Easter Seals El Mirador

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of November, 2014, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Jeremy Pena, Esq. Tera C. Neda, Esq. United States Attorney Office District of New Mexico Post Office Box 607 Albuquerque, NM 87103 (505) 346-7274 Jeremy.pena@usdoj.gov Tara.neda@usdoj.gov <i>Attorneys for Plaintiff U.S.A</i>	Louren M. Oliveros, Esq. Robert J. Gorence, Esq. Gorence & Oliveros, P.C. 1305 Tijeras, NW Albuquerque, NM 87102 (505) 244-1204 oliveros@golaw.us <i>Attorneys for Defendant Thomas Rodella</i>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

By: /s/ Sabrina Rodriguez Salvato
Sabrina Rodriguez Salvato